

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

CANDIDO OLMEDO, JR.,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 3:23-cv-05236-MLP

ORDER

Pursuant to the parties' stipulated motion, the Court hereby ORDERS that this matter is remanded to the Commissioner under 42 U.S.C. § 405(g) (fourth sentence), for further administrative proceedings. Upon remand, the Appeals Council will vacate the prior administrative law judge (ALJ) decision and instruct an ALJ to offer Plaintiff the opportunity for a new de novo hearing, develop the record further, and issue a new decision. The ALJ will re-evaluate the medical opinions of record under the applicable agency regulations, reassess Plaintiff's residual functional capacity if necessary, and, if warranted, obtain additional vocational expert testimony.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner. After judgment, Plaintiff may be entitled to reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

1 DATED this 21st day of August, 2023.

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4 MICHELLE L. PETERSON
United States Magistrate Judge

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7 Presented by:

8 s/Asim H. Modi

9 ASIM H. MODI

10 Special Assistant United States Attorney

Office of Program Litigation, Office 7

Office of the General Counsel

Social Security Administration

6401 Security Boulevard

Baltimore, MD 21235

Telephone: (312) 596-1868

Email: asim.modi@ssa.gov